

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ABBRELLA FAITH CAPPS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:19-cv-00968-TWP-TAB
	)	
MATT MEYERS,	)	
JOHN MARTOCIA,	)	
	)	
Defendants.	)	

**Order Granting Motion for Leave to Proceed *In Forma Pauperis*, Screening Complaint,  
and Directing Service of Process**

**I. Motion for Leave to Proceed *In Forma Pauperis***

Plaintiff Abbrella Faith Capps' motion to proceed *in forma pauperis*, dkt. [5], is **granted**. The assessment of even an initial partial filing fee is waived because the plaintiff has no assets and no means by which to pay a partial filing fee. 28 U.S.C. § 1915(b)(4). Accordingly, no initial partial filing fee is due at this time.

Although the plaintiff is excused from *pre*-paying the full filing fee, he still must pay the three hundred and fifty dollar (\$350.00) filing fee pursuant to the statutory formula set forth in 28 U.S.C. § 1915(b)(2) when able. *See* 28 U.S.C. § 1915(b)(1) ("the prisoner shall be required to pay the full amount of a filing fee.").

**II. Screening Complaint**

**A. Screening Standard**

Ms. Capps is a pretrial detainee currently incarcerated at Bartholomew County Jail. Because the plaintiff is a "prisoner" as defined by 28 U.S.C. § 1915A(c), this Court has an obligation under 28 U.S.C. § 1915A(a) to screen her complaint before service on the defendants.

The Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal under federal pleading standards,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

*Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). *Pro se* complaints such as that filed by the plaintiff are construed liberally and held “to a less stringent standard than formal pleadings drafted by lawyers.” *Cesal*, 851 F.3d at 720.

## **B. The Complaint**

Ms. Capps alleges that Sheriff Matt Meyers and Jail Commander John Martocia have violated her Fourteenth Amendment rights by keeping her segregated away from general population. She asserts that as a result, she is not allowed to attend bible studies or leave her cell block. She seeks monetary damages and injunctive relief.

## **C. Discussion of Claims**

Construing Ms. Capps’ Complaint liberally, the facts as pleaded are sufficient to draw the reasonable inference that Sheriff Meyers and Jail Commander Martocia are liable for violating Ms. Capps’ Fourteenth Amendment rights by confining her in segregation without due process.

The facts as pleaded are sufficient to draw the reasonable inference that Sheriff Meyers and Jail Commander Martocia are liable for violating Ms. Capps’ rights under the First Amendment and Religious Land Use and Institutionalized Persons Act (RLUIPA) by precluding her from attending bible studies.

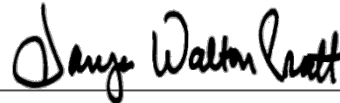
If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, she shall have **through April 29, 2019**, in which to identify those claims.

### **III. Service of Process**

The clerk is **directed** pursuant to *Fed. R. Civ. P. 4(c)(3)* to issue process to defendants Sheriff Matt Meyers and Jail Commander John Martocia in the manner specified by *Fed. R. Civ. P. 4(d)*. Process shall consist of the complaint (docket 1), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

**SO ORDERED.**

Date: 3/29/2019



TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

ABBRELLA FAITH CAPPS  
11112  
BARTHOLOMEW COUNTY JAIL  
543 Second Street  
Columbus, IN 47201

Sheriff Matt Meyers  
543 Second Street  
Columbus, IN 47201

Jail Commander John Martocia  
BARTHOLOMEW COUNTY JAIL  
543 Second Street  
Columbus, IN 47201